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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,054	11/17/2003	Masanobu Ogino	245557US0S X	1158
22850 7590 01/29/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, THANH T	
			ART UNIT 2813	PAPER NUMBER
			NOTIFICATION DATE 01/29/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/713,054

Applicant(s)

OGINO ET AL.

Examiner

Thanh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of specie I in the reply filed on 5/21/07 is acknowledged.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/10/08 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-2, 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa et al. (U.S. Patent Publication No. 2002/0100934).

Referring to figures 1-16, Nakagawa a semiconductor substrate comprising:

a lightly doped substrate (12, (p- or n-)) that contains impurities at a low concentration (see figure 1, see col. 3, lines 38-42);

a heavily doped diffusion layer (13, N+, see figure 1, col. 3, lines 43-44) which entirely covers a top of the lightly doped substrate (12) and is higher impurity concentration than the lightly doped substrate (see figure 1, see col. 3, lines 38-44); and

an epitaxial layer (14, N-, col. 3, lines 44-45) which entirely covers a top of the heavily doped diffusion layer and contains impurities at a lower concentration than the heavily doped diffusion layer (see figure 1, col. 3, lines 38-45).

Regarding to claim 2, the impurities contained in the lightly doped substrate is phosphorous (see col. 3, lines 65-66).

Regarding to claim 4, the lightly doped substrate, the heavily doped diffusion layer and the epitaxial layer are of the same conductivity (see figure 1, col. 3, lines 38-45)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (U.S. Patent Publication No. 2002/0100934) as applied to claim 1-2, 4 above, in view of the Admitted Prior Art of the Present Invention, pages 1-4.

Nakagawa et al. teaches a semiconductor substrate having a lightly doped (n/p-type), heavily doped and an epitaxial layer, wherein the heavily doped diffusion layer and the epitaxial layer are of the same conductivity type (see figure 12-14, wherein both heavily doped and epitaxial layer are p-type). However, the reference does not teach the light doped substrate contains phosphorus or boron, the resistance of the epitaxial layer is $10\Omega\text{cm}$ or less, and the lightly doped substrate and the heavily doped diffusion layer are of a first conductivity type, and the epitaxial layer is of a second conductivity type.

The Admitted prior art teaches the lightly doped substrate contains phosphorus or boron (see page 1, lines 20-25, meeting claim 2), the resistance of the epitaxial layer is $10\Omega\text{cm}$ or less (see page 4, lines 12-13, meeting claim 3).

Therefore, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made would form a device having the light doped substrate contains phosphorus or boron, the resistance of the epitaxial layer is $10\Omega\text{cm}$ or less in process of Nakagawa et al. as taught by the Admitted Prior because doping the material into the layer to improve the conductivity of the device.

It is known in the art to have the lightly doped substrate and the heavily doped diffusion layers are of a first conductivity type, and the epitaxial layer is of a second conductivity type.

Therefore, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made would form the lightly doped substrate and the heavily doped

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diffusion layer are of a first conductivity type, and the epitaxial layer is of a second conductivity type in process of Nakagawa et al. because changing the conductivity type would provide a desire device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Nguyen whose telephone number is (571) 272-1695, or by Email via address Thanh.Nguyen@uspto.gov. The examiner can normally be reached on Monday-Thursday from 6:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr., can be reached on (571) 272-1702. The fax phone number for this Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://paired.uspto.gov>. Should you have questions on access to thy Private PAIR system, contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).



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Patent Examining Group 2800